



Federal Communications Commission
Washington, D.C. 20554

SEP 12 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CN-0102857

The Honorable Bob Graham
United States Senator
2252 Killearn Center Boulevard, Suite 300
Tallahassee, FL 32309-3573

EX PARTE OR LATE FILED

Dear Senator Graham:

Thank you for forwarding the recent letter from your constituent, Ms. Laurie Hyman, regarding the transition to digital television (DTV). She suggests that the Commission allow smaller and independent stations the option of returning their digital channels now and delaying their conversion from analog to digital operation until the 2006 DTV transition deadline.

In establishing service rules for the DTV transition, the Commission expressly rejected requests that it allow smaller market and noncommercial stations to make an immediate transition to digital television at the end of the transition, eliminating the need to construct and operate a second facility during the transition. While sensitive to the economic challenges facing small market broadcasters and the funding problems facing noncommercial stations, the Commission rejected this approach as undermining its concurrent DTV and analog broadcasting policy, including simulcasting, which was premised on broadcasters operating an NTSC and a DTV station until the end of the transition. The Commission noted, however, that it could revisit this conclusion during any of its DTV periodic reviews.

There is a process stations may use to seek an extension of the DTV construction deadline. In the *Fifth Report and Order* with respect to DTV, the Commission noted that it will grant an extension of the construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the licensee's control if the licensee has taken all reasonable steps to resolve the problem expeditiously. Such circumstances include, but are not limited to, the inability to construct and place in operation a facility necessary for transmitting DTV, such as a tower, because of delays in obtaining zoning or FAA approvals, or similar constraints, or lack of equipment necessary to transmit a DTV signal. The Commission delegated authority to the Mass Media Bureau to grant two such six-month extensions of time, after which extension requests will be referred to the Commission.

The Commission is currently considering petitions for reconsideration of the *Report and Order* in the first DTV periodic review proceeding. Some of these petitions have asked the Commission to extend the applicable construction deadlines for stations in smaller markets, citing costs and hardship, and those petitions are pending.

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The Commission will include your constituent's letter in the record of the DTV periodic review proceedings and consider all views carefully. I hope this is responsive to your concerns.

Sincerely,



Roy J. Stewart
Chief, Mass Media Bureau

BOB GRAHAM
FLORIDA

United States Senate

WASHINGTON, DC 20510-0903

August 14, 2001

CSB
DTV
2857

Mr. Paul A. Jackson
Director
Federal Communications Commission
Office of Legislative Affairs
445 12th Street Southwest
Washington, D.C. 20045

Dear Mr. Jackson:

Enclosed is a letter from Ms. Laurie Hyman.

I would appreciate your reviewing the information that has been presented and providing me with your comments. Please address your reply to my state office:

United States Senator Bob Graham
2252 Killearn Center Boulevard, Suite 300
Tallahassee, Florida 32309-3573
Attention: Becky Liner

Telephone: (850) 907-1100
Facsimile: (850) 894-3222

Your cooperation and assistance are greatly appreciated. I look forward to hearing from you soon.

With kind regards,

Sincerely,



United States Senate

BG/bsl

Enclosure

Aug 21 10 34 AM '01

SECRET

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Laurie Hyman

2404 Galleryview Drive, #1
Winter Park, Florida 32792
(407) 671-4393

July 25, 2001

CSK

~~2001/8/1/2001~~

The Honorable Bob Graham
524 Hart Senate Office Building
Washington, D.C. 20512

RE: Digital TV Channel Mandate

Dear Senator Graham:

I am writing to express my concern regarding a government mandate which requires television stations around the country to build a digital channel by May 1, 2002. I am in opposition to this, as it will cause many smaller and independent stations to go out of business. The expense to do this is enormous, and from what I am told it is not necessary at this time, nor do I feel that stations have been given sufficient time in order to pay for such an undertaking. Many stations I watch are publicly supported and will need a long time in order to raise the funds needed to build another channel of this magnitude.

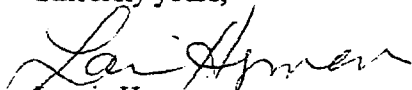
As of the writing of this letter, only a small percentage of television stations have built the required digital channel, and those who have are affiliates of major networks. With the poor quality of family television viewing available, I am afraid that there will be a monopoly on what channels my and my can family watch. Also, very few people have actually purchased digital tuners, which would be able to receive this type of service.

I am asking for your support to giving the smaller and independent analog TV stations an option of returning their digital channel now, which would alleviate them from the current May 1, 2002 build-out deadline. This will then allow them to convert to digital operation, by the December 31, 2006 transition deadline.

I hope that you will see the seriousness of this issue, and act to help prevent what could heavily impact what stations TV viewers are able to watch. I would also appreciate a response from you regarding what action you plan to take regarding this.

Thanking you in advance, I remain.

Sincerely yours,


Laurie Hyman